

FILED

1 Vladi Khiterer (Bar No. 177007)  
2 E mail: vladi@kpusalaw.com  
3 Khiterer & Park, Inc.  
4 2901 W. Coast Hwy., Suite 200  
5 Newport Beach, CA 92663  
6 (949) 631-6161  
7 (949) 650-1703 Fax

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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
SANTA ANA

BY \_\_\_\_\_

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11 Attorneys for plaintiff

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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

ALTINEX, INC.,

Plaintiff,

vs.

ALIBABA.COM HONG KONG  
LIMITED and DOES 1 through 10,  
inclusive.

Defendants.

Case No. SACV 13-01545 JVS (RNBx)

Complaint

Patent Infringement  
Trademark Infringement  
Unfair Competition

Demand for a Jury Trial

Plaintiff, Altinex, Inc., alleges:

**THE PARTIES**

1. Plaintiff Altinex, Inc. ("Altinex") does not know the true names of defendants DOES 1 through 10, inclusive. Therefore, Altinex sued said defendants by such fictitious names. Defendants DOES 1 through 10, inclusive, engaged in the patent and trademark infringement and unfair competition together with defendant Alibaba.com Honk Kong Limited, as described in this complaint. Altinex will amend

1 its complaint when true names of defendants DOES 1 through 10, inclusive, are  
2 ascertained.

3 2. Altinex is a California corporation with a principal place of business in  
4 Brea, California. Altinex is a manufacturer of electronic equipment used in  
5 professional audio visual presentation systems.

6 3. Altinex has pioneered a line of products that tilt up from a table top and  
7 reveal a number of connectors for audio visual equipment. When not in use, these  
8 products tilt down and remain flush with the table top. Altinex manufactures these  
9 products at its Brea, California, facility and sells them under the registered trademarks  
10 "ALTINEX" and "TILT 'N PLUG". Altinex owns a number of patents protecting its  
11 TILT 'N PLUG products.

12 4. ALIBABA.COM HONG KONG LIMITED ("Alibaba") is a Hong  
13 Kong corporation.

#### 14 JURISDICTION AND VENUE

15 5. This is an action for patent and trademark infringement, 35 U.S.C. §§  
16 271, 281 and 1114.

17 6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§  
18 1331 and 1338 (a).

19 7. This Court has personal jurisdiction because Alibaba maintains, on an  
20 ongoing basis, numerous and substantial contacts with the State of California such  
21 that Alibaba has purposefully availed itself of the privilege of conducting activities  
22 within California and invoked the benefits and protections of California laws. These  
23 contacts include and are not limited to maintaining a principal place of business for  
24 Alibaba.com, Inc., a corporation wholly owned by Alibaba, in the State of  
25 California, initiating lawsuits in the State of California, maintaining commercial  
26 relationships with thousands of individuals and entities in the State of California,  
27 including those known as the "Gold Suppliers" who pay Alibaba membership fees.  
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1           8.     Venue is proper in this judicial district under 28 U.S.C. §§ 1400(b) and  
2 1391(b) and (c) because defendants are committing patent and trademark  
3 infringement in this district.

4           **WWW.ALIBABA.COM AND WWW.ALIEXPRESS.COM WEBSITES**

5           9.     Alibaba owns the [www.alibaba.com](http://www.alibaba.com) and [www.aliexpress.com](http://www.aliexpress.com) websites.  
6 These websites offer a variety of products that visitors to the websites can locate and  
7 purchase.

8           10.    The [www.alibaba.com](http://www.alibaba.com) website has a search window where visitors can  
9 type in a description of a product they desire to purchase, causing the  
10 [www.alibaba.com](http://www.alibaba.com) website to display the photographs of the products, as well as the  
11 description, prices, minimum order and other information. There is also provided a  
12 link "place order". Clicking on the "place order" link allows the visitor of the  
13 [www.alibaba.com](http://www.alibaba.com) website to purchase the product by selecting the quantity of the  
14 product, shipping method and payment method. There is also provided a link to the  
15 [www.aliexpress.com](http://www.aliexpress.com) website with the products found on the [www.alibaba.com](http://www.alibaba.com), as  
16 well as similar products, pre-loaded in the [www.aliexpress.com](http://www.aliexpress.com) website.

17           11.    The [www.aliexpress.com](http://www.aliexpress.com) website has the look, feel and function very  
18 much similar to that of the [www.amazon.com](http://www.amazon.com) website. It has the "BUY NOW",  
19 "ADD TO CART", "ADD TO WISH LIST" buttons, as well as windows for  
20 selecting quantity and shipping methods. The [www.aliexpress.com](http://www.aliexpress.com) even offers to  
21 apply coupons to purchases. In just a few clicks, a visitor to the  
22 [www.aliexpress.com](http://www.aliexpress.com) website can locate and purchase the products found by  
23 entering search terms in the provided window, in desired quantities and with the  
24 selected shipping method. The [www.aliexpress.com](http://www.aliexpress.com) website also provides several  
25 payment methods.

26           12.    Through its [www.aliexpress.com](http://www.aliexpress.com) website, Alibaba is offering the  
27 products for sale, selling the products and receiving payments for the purchased  
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1 products. Because of how the www.aliexpress.com website is designed, persons  
2 shopping at the www.aliexpress.com have no doubt that it is in fact Alibaba who is  
3 offering the products for sale, selling the products and receiving payments for the  
4 purchased products.

5 **COUNT 1, PATENT INFRINGEMENT**

6 13. Altinex incorporates by reference paragraphs 1 – 12.

7 14. Altinex owns the United States Patent No. 6,802,577 entitled  
8 “Enclosure System for Electronic Equipment Concealable in a Table Top”, issued  
9 on October 12, 2004 (the “577 patent”).

10 15. By way of its websites www.alibaba.com and www.aliexpress.com,  
11 Alibaba offers to sell, sells and imports into the U.S.A. products that infringe one or  
12 more claims of the ‘577 patent.

13 16. Alibaba’s infringing activities have caused and will cause damages to  
14 Altinex.

15 17. Alibaba’s infringing activities have caused and will cause irreparable  
16 harm to Altinex unless enjoined by this Court.

17 18. Alibaba has known, at all times, that the accused products infringe the  
18 ‘577 patent because, among other things, the products that Alibaba offers for sale  
19 and sells are counterfeit “one to one copies” of Altinex’ products based on the ‘577  
20 patent. Alibaba’s infringement has been and continues to be willful and deliberate  
21 and will continue unless enjoined by this Court, making this an exceptional case and  
22 entitling Altinex to increased damages and reasonable attorneys’ fees pursuant to 35  
23 U.S.C. §§ 284 and 285.

24 **COUNT 2, PATENT INFRINGEMENT**

25 19. Altinex incorporates by reference paragraphs 1 – 12.

1           20.    Altinex owns the United States Patent No. D556,139 entitled  
2    “Interconnect Enclosure for Computer and Audio Visual Equipment Concealable in  
3    a Table Top”, issued on November 27, 2007 (the “‘139 patent”).

4           21.    By way of its websites www.alibaba.com and www.aliexpress.com,  
5    Alibaba offers to sell, sells and imports into the U.S.A. products that infringe one or  
6    more claims of the ‘139 patent.

7           22.    Alibaba’s infringing activities have caused and will cause damages to  
8    Altinex.

9           23.    Alibaba’s infringing activities have caused and will cause irreparable  
10   harm to Altinex unless enjoined by this Court.

11          24.    Alibaba has known, at all times, that the accused products infringe the  
12   ‘139 patent because, among other things, the products that Alibaba offers for sale  
13   and sells are counterfeit “one to one copies” of Altinex’ products based on the ‘139  
14   patent. Alibaba’s infringement has been and continues to be willful and deliberate  
15   and will continue unless enjoined by this Court, making this an exceptional case and  
16   entitling Altinex to increased damages and reasonable attorneys’ fees pursuant to 35  
17   U.S.C. §§ 284 and 285.

18                                   **COUNT 3, PATENT INFRINGEMENT**

19          25.    Altinex incorporates by reference paragraphs 1 – 12.

20          26.    Altinex owns the United States Patent No. D437,827 entitled  
21   “Concealable Table-Top Interconnect Box for Computer and Audio Visual  
22   Equipment”, issued on February 20, 2001 (the “‘827 patent”).

23          27.    By way of its websites www.alibaba.com and www.aliexpress.com,  
24   Alibaba offers to sell, sells and imports into the U.S.A. products that infringe one or  
25   more claims of the ‘827 patent.

26          28.    Alibaba’s infringing activities have caused and will cause damages to  
27   Altinex.

1           29.   Alibaba's infringing activities have caused and will cause irreparable  
2 harm to Altinex unless enjoined by this Court.

3           30.   Alibaba has known, at all times, that the accused products infringe the  
4 '827 patent because, among other things, the products that Alibaba offers for sale  
5 and sells are counterfeit "one to one copies" of Altinex' products based on the '827  
6 patent. Alibaba's infringement has been and continues to be willful and deliberate  
7 and will continue unless enjoined by this Court, making this an exceptional case and  
8 entitling Altinex to increased damages and reasonable attorneys' fees pursuant to 35  
9 U.S.C. §§ 284 and 285.

10                                   **COUNT 4, PATENT INFRINGEMENT**

11           31.   Altinex incorporates by reference paragraphs 1 – 12.

12           32.   Altinex owns the United States Patent No. D457,137 entitled  
13 "Interconnect Enclosure for Computer and Audio Visual Equipment Concealable in  
14 Furniture with Circular Base Plate", issued on May 14, 2002 (the "'137 patent").

15           33.   By way of its websites [www.alibaba.com](http://www.alibaba.com) and [www.aliexpress.com](http://www.aliexpress.com),  
16 Alibaba offers to sell, sells and imports into the U.S.A. products that infringe one or  
17 more claims of the '137 patent.

18           34.   Alibaba's infringing activities have caused and will cause damages to  
19 Altinex.

20           35.   Alibaba's infringing activities have caused and will cause irreparable  
21 harm to Altinex unless enjoined by this Court.

22           36.   Alibaba has known, at all times, that the accused products infringe the  
23 '137 patent because, among other things, the products that Alibaba offers for sale  
24 and sells are counterfeit "one to one copies" of Altinex' products based on the '137  
25 patent. Alibaba's infringement has been and continues to be willful and deliberate  
26 and will continue unless enjoined by this Court, making this an exceptional case and  
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1 entitling Altinex to increased damages and reasonable attorneys' fees pursuant to 35  
2 U.S.C. §§ 284 and 285.

3 **COUNT 5, PATENT INFRINGEMENT**

4 37. Altinex incorporates by reference paragraphs 1 – 12.

5 38. Altinex owns the United States Patent No. D466,868 entitled "Double  
6 Opposite Facing Interconnect Enclosure for Computer and Audio Visual Equipment  
7 Concealable in Furniture", issued on December 10, 2002 (the "'868 patent").

8 39. By way of its websites [www.alibaba.com](http://www.alibaba.com) and [www.aliexpress.com](http://www.aliexpress.com),  
9 Alibaba offers to sell, sells and imports into the U.S.A. products that infringe one or  
10 more claims of the '868 patent.

11 40. Alibaba's infringing activities have caused and will cause damages to  
12 Altinex.

13 41. Alibaba's infringing activities have caused and will cause irreparable  
14 harm to Altinex unless enjoined by this Court.

15 42. Alibaba has known, at all times, that the accused products infringe the  
16 '868 patent because, among other things, the products that Alibaba offers for sale  
17 and sells are counterfeit "one to one copies" of Altinex' products based on the '868  
18 patent. Alibaba's infringement has been and continues to be willful and deliberate  
19 and will continue unless enjoined by this Court, making this an exceptional case and  
20 entitling Altinex to increased damages and reasonable attorneys' fees pursuant to 35  
21 U.S.C. §§ 284 and 285.

22 **COUNT 6, PATENT INFRINGEMENT**

23 43. Altinex incorporates by reference paragraphs 1 – 12.

24 44. Altinex owns the United States Patent No. D455,716 entitled "Double  
25 Interconnect Enclosure for Computer and Audio Visual Equipment Concealable in  
26 Furniture", issued on April 16, 2002 (the "'716 patent").



1           45. By way of its websites www.alibaba.com and www.aliexpress.com,  
2 Alibaba offers to sell, sells and imports into the U.S.A. products that infringe one or  
3 more claims of the '716 patent.

4           46. Alibaba's infringing activities have caused and will cause damages to  
5 Altinex.

6           47. Alibaba's infringing activities have caused and will cause irreparable  
7 harm to Altinex unless enjoined by this Court.

8           48. Alibaba has known, at all times, that the accused products infringe the  
9 '716 patent because, among other things, the products that Alibaba offers for sale  
10 and sells are counterfeit "one to one copies" of Altinex' products based on the '716  
11 patent. Alibaba's infringement has been and continues to be willful and deliberate  
12 and will continue unless enjoined by this Court, making this an exceptional case and  
13 entitling Altinex to increased damages and reasonable attorneys' fees pursuant to 35  
14 U.S.C. §§ 284 and 285.

15                           **COUNT 7, TRADEMARK INFRINGEMENT**

16           49. Altinex incorporates by reference paragraphs 1 – 48.

17           50. Altinex owns a trademark "ALTINEX", Reg. No. 2252463 for  
18 "electronic equipment, namely, distribution amplifiers, interfaces, switches, matrix  
19 switchers, transcoders, scan converters, controllers, sync processors, cables" in the  
20 International Class 009.

21           51. Alibaba, by way of its websites www.alibaba.com and  
22 www.aliexpress.com, offers to sell and sells counterfeit Altinex interfaces and  
23 permits the mark "ALTINEX" to be prominently displayed next to the counterfeit  
24 Altinex products offered for sale and sold, as though they were genuine Altinex  
25 products. Alibaba also permits visitors to its websites www.alibaba.com and  
26 www.aliexpress.com to locate and purchase counterfeit Altinex products by using  
27 the search term "ALTINEX".  
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1           52.   Alibaba's conduct is likely to cause confusion with respect to the  
2 source and origin of the counterfeit Altinex products it offers for sale and sells and  
3 constitutes trademark infringement in violation of 15 U.S.C. § 1114.

4           53.   Alibaba's infringing activities have caused and will cause damages to  
5 Altinex.

6           54.   Alibaba's infringing activities have caused and will cause irreparable  
7 harm to Altinex unless enjoined by this Court.

8           55.   Alibaba has known, at all times, that the products that Alibaba offers  
9 for sale and sells are counterfeit Altinex products and that its activities constitute  
10 trademark infringement. Alibaba's infringement has been and continues to be willful  
11 and deliberate and will continue unless enjoined by this Court, making this an  
12 exceptional case and entitling Altinex to increased damages and reasonable  
13 attorneys' fees pursuant to 35 U.S.C. §1117.

14                   **COUNT 8, TRADEMARK INFRINGEMENT**

15           56.   Altinex incorporates by reference paragraphs 1 – 48.

16           57.   Altinex owns a trademark "TILT'N PLUG", Reg. No. 2462566 for  
17 "electrical interconnect boxes for use in an audio-video presentation system,  
18 namely, an assembly of outlets for connecting audio, video and computer video  
19 equipment"" in the International Class 009.

20           58.   Alibaba, by way of its websites www.alibaba.com and  
21 www.aliexpress.com, offers to sell and sells counterfeit Altinex electrical  
22 interconnect boxes and permits the mark "TILT'N PLUG" to be prominently  
23 displayed next to the counterfeit Altinex products offered for sale and sold, as  
24 though they were genuine Altinex products. Alibaba also permits visitors to its  
25 websites www.alibaba.com and www.aliexpress.com to locate and purchase  
26 counterfeit Altinex products by using the search term "TILT'N PLUG".  
27  
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59. Alibaba's conduct is likely to cause confusion with respect to the source and origin of the counterfeit Altinex products it offers for sale and sells and constitutes trademark infringement in violation of 15 U.S.C. § 1114.

60. Alibaba's infringing activities have caused and will cause damages to Altinex.

61. Alibaba's infringing activities have caused and will cause irreparable harm to Altinex unless enjoined by this Court.

62. Alibaba has known, at all times, that the products that Alibaba offers for sale and sells are counterfeit Altinex products and that its activities constitute trademark infringement. Alibaba's infringement has been and continues to be willful and deliberate and will continue unless enjoined by this Court, making this an exceptional case and entitling Altinex to increased damages and reasonable attorneys' fees pursuant to 35 U.S.C. §1117.

#### COUNT 9, UNFAIR COMPETITION

63. Altinex incorporates by reference paragraphs 1 – 62.

64. Section 17200 et seq. of California *Business and Professions Code* (the "UCL") prohibits acts of "unfair competition", including any "unlawful, unfair or fraudulent business act or practice" and "unfair, deceptive, untrue or misleading advertising". Alibaba has violated Section 17200 et seq. of California *Business and Professions Code* as alleged below.

##### Unlawful Business Act or Practice

65. Alibaba has infringed on Altinex' patents and trademarks, as alleged in this complaint.

##### Unfair Business Act or Practice

66. Alibaba charges substantially less for the counterfeit Altinex products it sells than the genuine Altinex products. As such, Alibaba diverts sales away from Altinex.

1  
2 67. As such, the injury to Altinex is substantial and it is not outweighed by  
3 any countervailing benefits to Altinex, and is not an injury that Altinex itself could  
4 reasonably have avoided.

5 68. Further, Alibaba's actions described above are unethical, oppressive,  
6 unscrupulous and substantially injurious to Altinex.

7 69. Therefore, Alibaba's actions are unfair within the meaning of the UCL.

8 **Deceptive Advertising**

9 70. Alibaba advertises counterfeit Altinex products as though there were  
10 genuine Altinex products.

11 71. Altinex is entitled to an injunction against Alibaba in the form of an  
12 order prohibiting Alibaba from continuing the acts violating the UCL described  
13 above.

14 72. Altinex is entitled to restitution of the ill-gotten gains received by  
15 Alibaba through the acts violating the UCL.

16  
17 WHEREFORE, plaintiff Altinex, Inc. requests judgment against defendants  
18 as follows:

19 1. That defendants have infringed the United States Patents Nos.  
20 6,802,577, D556,139, D437,827, D437,827, D466,868, D455,716 and Trademarks  
21 Reg. Nos. 2252463 and 2462566;

22 2. An award against defendants for the damages suffered by plaintiff as a  
23 result of defendants' acts of infringement and unfair competition, including  
24 restitution and disgorgement of defendants' ill-gotten profits, with prejudgment  
25 interest thereon;

26 3. An order compelling an accounting to determine defendants' profits  
27 and damages or royalties owed to plaintiff, including prejudgment interest, and that  
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1 such royalties and damages be increased threefold and awarded to plaintiff with  
2 interest as enhanced damages;

3 4. A preliminary and permanent injunction preventing defendants, their  
4 agents, servants, employees and all other persons and entities acting in concert or in  
5 participation with defendants from infringing the United States Patent Nos.  
6 6,802,577, D556,139, D437,827, D437,827, D466,868, D455,716 and Trademarks  
7 Reg. Nos. 2252463 and 2462566;

8 5. An award of plaintiff's attorneys' fees, costs and expenses;

9 6. Such other relief that the Court deems just and proper.

10 DATED: October 2, 2013

Khiterer & Park, Inc.

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Vladi Khiterer

13 Attorneys for plaintiff Altinex, Inc.  
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**DEMAND FOR A JURY TRIAL**

Plaintiff Altinex, Inc. demands a jury trial on all issues.

DATED: October 2, 2013

Khiterer & Park, Inc.



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Vladi Khiterer

Attorneys for plaintiff Altinex, Inc.

## CIVIL COVER SHEET

I. (a) PLAINTIFFS (Check box if you are representing yourself ☐)

ALTINEX, INC.

DEFENDANTS (Check box if you are representing yourself ☐)

ALIBABA.COM HONG KONG LIMITED

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)

Khiterer & Park, Inc.  
2901 W. Coast Hwy., Suite 200  
Newport Beach, CA 92663  
(949) 631-6161(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)  
Unknown

## II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1. U.S. Government Plaintiff  
☒ 3. Federal Question (U.S. Government Not a Party)  
☐ 2. U.S. Government Defendant  
☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant)

- |   |  |   |  |
|---|--|---|--|
| Citizen of This State                   | PTF <input checked="" type="checkbox"/> 1 DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State     | PTF <input checked="" type="checkbox"/> 4 DEF <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 <input type="checkbox"/> 2                    | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5                    |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 3         | Foreign Nation  | <input type="checkbox"/> 6 <input type="checkbox"/> 6                    |

## IV. ORIGIN (Place an X in one box only.)

- ☒ 1. Original Proceeding ☐ 2. Removed from State Court ☐ 3. Remanded from Appellate Court ☐ 4. Reinstated or Reopened ☐ 5. Transferred from Another District (Specify) ☐ 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)CLASS ACTION under F.R.Cv.P. 23: ☐ Yes ☒ No☐ MONEY DEMANDED IN COMPLAINT: \$VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
Patent and trademark infringement, 35 U.S.C. §§ 271, 281 and 1114

## VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<b>Habeas Corpus:</b>	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input checked="" type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b>	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input checked="" type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	<b>PERSONAL PROPERTY</b>	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 530 General	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<b>Other:</b>	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	<b>BANKRUPTCY</b>	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<b>FORFEITURE/PENALTY</b>	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	<b>REAL PROPERTY</b>	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	<b>LABOR</b>	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 740 Railway Labor Act	
		<input type="checkbox"/> 448 Education	<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 751 Family and Medical Leave Act	
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY:

Case Number:

SACV 13-01545 JVS (RNBx)



## UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

## CIVIL COVER SHEET

**VIII. VENUE:** Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

<b>Question A: Was this case removed from state court?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

<b>Question B: Is the United States, or one of its agencies or employees, a party to this action?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
	A PLAINTIFF? Then check the box below for the county in which the majority of DEFENDANTS reside.	A DEFENDANT? Then check the box below for the county in which the majority of PLAINTIFFS reside.	
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
	<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western

Question C: Location of plaintiffs, defendants, and claims?	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**C.1. Is either of the following true? If so, check the one that applies:**

☒ 2 or more answers in Column C

☐ only 1 answer in Column C and no answers in Column D

Your case will initially be assigned to the  
SOUTHERN DIVISION.  
Enter "Southern" in response to Question D, below.

If none applies, answer question C2 to the right. →

**C.2. Is either of the following true? If so, check the one that applies:**

☐ 2 or more answers in Column D

☐ only 1 answer in Column D and no answers in Column C

Your case will initially be assigned to the  
EASTERN DIVISION.  
Enter "Eastern" in response to Question D, below.

If none applies, go to the box below. ↓

Your case will initially be assigned to the  
WESTERN DIVISION.  
Enter "Western" in response to Question D below.

<b>Question D: Initial Division?</b>	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	Southern



## UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

## CIVIL COVER SHEET

**IX(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

**IX(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☐ NO ☒ YES

If yes, list case number(s): CV-01171-GLT-MLG; CV-10-3111 GHK (PLAx); SACV-12-1068 JST (JPRx)

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☒ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**X. SIGNATURE OF ATTORNEY**

**(OR SELF-REPRESENTED LITIGANT):** \_\_\_\_\_

DATE: October 2, 2013

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge James V. Selna and the assigned  
Magistrate Judge is Robert N. Block.

The case number on all documents filed with the Court should read as follows:

SACV 13-01545 JVS (RNBx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

October 2, 2013

Date

By A. Gonzalez  
Deputy Clerk

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NOTICE TO COUNSEL

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☐ Western Division  
312 N. Spring Street, G-8  
Los Angeles, CA 90012

☒ Southern Division  
411 West Fourth St., Ste 1053  
Santa Ana, CA 92701

☐ Eastern Division  
3470 Twelfth Street, Room 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.